

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY EIGHTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE D.S.R.VARMA

WRIT PETITION NO : 6059 of 2005

Between:

Smt. N. Mallavathi W/o. Ramudu
R/o. Rajavaram (V) Korukonda Mandal, E.G. District.

..... PETITIONER

AND

- 1 The Joint Collector, East Godavary district at Kakinada.
- 2 The Revenue Divisional Officer, Rajahmundry, E.G. District.
- 3 The Mandal Revenue Officer, Korukonda, E.G. District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue appropriate writ or order or direction more particularly one in the nature of writ of Mandamus declaring the action of the respondents in continuing the order of suspension dt. 24-11-2004 in respect of Fair Price Shop Dealership of Shop No. 3, Rajavaram Village, korukonda Mandal, East Godavary District, indefinitely as illegal, arbitrary, and unjust and consequently set aside the order of the 2nd respondent in Ref.E/3780/2004, dt. 24-11-2004 and to pass such other order or orders as this Hon'ble Court may deem fit and proper.

Counsel for the Petitioner: MR.K.VENKATESH

Counsel for the Respondent No.: GP FOR CIVIL SUPPLIES

The Court at the stage of admission made the following :

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ORDER:

Heard both sides and at their request this Writ Petition is taken up for disposal at the stage of admission.

In this Writ Petition, the petitioner is seeking a writ of Mandamus declaring the action of the respondents in continuing the order of suspension dated 24.11.2004 in respect of Fair Price Shop Dealership of Shop No. 3, Rajavaram Village, Korukonda Mandal, East Godavari District indefinitely, as illegal and arbitrary.

The sole grievance of the petitioner is that the allegations and the suspension pending enquiry, leveled against the petitioner have not been taken up by the appointing authority within the reasonable period.

It is contended by the counsel appearing for the petitioner that the appointing authority cannot keep the enquiry pending, after keeping the authorization under suspension, for long.

In similar circumstances, a Division Bench of this Court in Writ Appeal No. 218 of 2005 dated 16.2.2005 held that ninety days period is normally to be considered as reasonable period but cannot be treated as a statutory period prescribed. Therefore, the substance of the Judgment of the Division Bench of this court is that when the authorization is kept under suspension pending enquiry, the enquiry shall be completed within a reasonable period and the same cannot be kept pending for unlimited period.

Having regard to the facts and circumstances of the case, suffice it to close

the Writ Petition with a direction to the second respondent to complete the enquiry with utmost expedition on priority basis. No costs.

D.S.R. VARMA, J

DATED: 28.03.2005

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To

- 1 The Joint Collector, East Godavary district at Kakinada.
- 2 The Revenue Divisional Officer, Rajahmundry, E.G. District.
- 3 The Mandal Revenue Officer, Korukonda, E.G. District.
4. Two CCs to G.P. for Civil Supplies, High Court of A.P.. Hyderabad (OUT)
5. Two CD copies.